

RESOLUTION NO. 552-2021, ADOPTING LOCAL LAW NO. 21-2021, A LOCAL LAW TO PROTECT ASIAN AMERICANS AND PACIFIC ISLANDERS FROM COVID-19 RELATED DISCRIMINATION

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on May 11, 2021, a proposed local law entitled, "**A LOCAL LAW TO PROTECT ASIAN AMERICANS AND PACIFIC ISLANDERS FROM COVID-19 RELATED DISCRIMINATION**"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 21-2021, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO PROTECT ASIAN AMERICANS AND PACIFIC ISLANDERS FROM COVID-19 RELATED DISCRIMINATION

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that there has been a rise in bias incidents against Asian Americans and Pacific Islanders throughout the country.

This Legislature also finds and determines that many of these bias incidents involve brutal acts of violence against Asian American and Pacific Islanders.

This Legislature further finds and determines that a significant number of these incidents arise from the incorrect and unfounded belief that certain ethnic groups have contributed to the spread of COVID-19.

This Legislature finds that Suffolk County is determined to protect the interests and well-being of all residents.

This Legislature determines that in order to protect the Asian American and Pacific Islander communities in Suffolk County, bias incidents related to COVID-19 discrimination should be prohibited.

Therefore, the purpose of this law is to amend the County Human Rights Law to prohibit COVID-19 related discrimination and provide Asian Americans and Pacific Islanders with recourse for COVID-19 related bias incidents.

Section 2. Amendments.

Chapter 528 of the SUFFOLK COUNTY CODE is hereby amended as follows:

Chapter 528. Human Rights

Article II. Unlawful Discriminatory Acts

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§ 528-12. General provisions defining unlawful discriminatory practices.

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- E. It shall be an unlawful discriminatory practice for any party to a conciliation agreement entered into pursuant to § 528-13 to violate the terms of such agreement.
- F. It shall be an unlawful discriminatory practice for any person to engage in discrimination against another person based on any perceived relationship of that person to the spread of the COVID-19 virus based on a person's race, ethnicity, or other protected status. COVID-19 discrimination includes: intimidation, threats, assault as defined in Article 120 of New York Penal Law, harassment as defined in Article 240 of New York Penal Law, menacing as defined in Article 120 of New York Penal Law, inflicting emotional or physical harm, or inflicting injury upon such person.
- G. Nothing contained in this article shall be construed to bar any religious or denominational institution or organization, or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious organization, from limiting participation in any activity, including, but not limited to, employment, education, sales, lease, or rental of housing accommodations, land or commercial space, or granting admission to, or giving preference to individuals of the same religion or denomination or taking such action as is calculated by such organization to promote the religious principles for which it is established or maintained.

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§ 528-14. Damages and civil fines and penalties.

- A. In any matter where the Executive Director finds that a person has engaged in an unlawful discriminatory practice, the Commission may award compensatory damages to the individual aggrieved by such practice; impose payment to the County general fund of profits obtained by a respondent through the commission of unlawful discriminatory acts; and impose civil fines and penalties in an amount not to exceed \$50,000, to be paid to the County general fund by a respondent, or not to exceed \$100,000 to be paid to the County general fund by a respondent found to have committed an unlawful discriminatory act which is found to be willful, wanton or malicious. In cases of housing discrimination or COVID-19 discrimination [only], punitive damages in an amount not to exceed \$10,000 may be awarded to the individual aggrieved by such practice.

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Section 3. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(26), (27) and (33) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW in that the action constitutes routine or continuing administration and management not including new programs or major reordering of priorities that may affect the environment. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 6. Effective Date.

This law shall take effect immediately upon its filing in the Office of the Secretary of State.

[] Brackets denote deletion of existing language
___ Underlining denotes addition of new language

DATED: June 22, 2021

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: July 19, 2021

After a public hearing duly held on July 8, 2021
Filed with the Secretary of State on July 29, 2021